


Equal and Shared Parenting: The benefits of change far outweigh the outdated status quo

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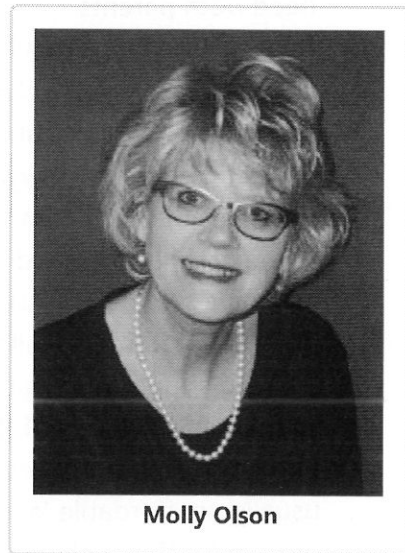
By Molly K. Olson – Mankato Times

Even after 50 years since no-fault divorce, artificially created fault-based custody and parenting time battles, which pit one parent against the other, still persist, causing harm to children.

Educating the media, the public, legislators, judges, and divorce practitioners about the need for a rebuttable presumption of equal shared parenting in law, and why it is the best solution for children, takes time.

For this and any future article, when I use the phrase rebuttable presumption of equal shared parenting, several assumptions and exceptions exist already in law or will be clarified to protect the safety of children as follows:

- Rebuttable means:
 - The presumption can be argued against at any time, if the circumstances are not appropriate.
 - No presumption is a mandate. Certainly not in family law where judges have basically unlimited discretion.
- The presumption does not apply to all parents. The presumption is for the vast majority of cases involving:
 - fit, loving, healthy, responsible, parents, who are ready, willing, and able to step-up-to-the-plate to share equally in the consistent responsibility of raising their children,
- Exceptions include:
 - Cases of abuse, harm, neglect, abandonment;
 - Diagnosed and untreated mental health issues, untreated substance abuse problems, and convictions of domestic violence;
 - Unresolvable logistical challenges (school/work/activity schedules), geographic limitations, and special medical or educational needs of a child that can't be accommodated in both households.



Too many legislators and judges make decisions based on debunked myths, outdated beliefs, and too often, personal bias. They aren't experts in the social science research on equal shared parenting. I have been researching the issue of equal shared parenting and the importance of both parents for 20 years. I have collected an enormous amount of information decision makers need to hear if they truly want to act in the best interest of children.

A rebuttable presumption of equal shared parenting (ESP) will have tremendous benefits for mothers, fathers, and children, creating better outcomes for the whole family. Based on the research, and a short summary of benefits, equal shared parenting will:

- **Create a level playing field.** Both parents will be treated equally, and equally supported, as an equally valuable parent, regardless of gender. In most cases there are two “good enough” parents. No parent is perfect, and divorce and separation need not create a contest between the parents over who is the better-or-worse parent. Children want and need both parents.
- **Reduce Conflict.** Equality always positions people for less conflict. Everyone agrees, children benefit from reduced conflict. The battles will be minimized because parents no longer have to worry about whether they will lose their kids arbitrarily, due to the subjective bias of a lawyer or judge or custody evaluator.
- **Protect Children from Being Played as a Prize.** ESP will ensure children are no longer put in the middle, and used as a pawn, during a vulnerable and difficult time in their life. The incentive to create a legal “game” over who “wins” the kids will no longer be at the core. Currently, too many children are asked to pick what parent they want to be with – this is nothing short of child abuse.
- **Reduced Conflict Will Reduce Money Wasted on Litigation.** Less conflict means litigation will be reduced, which means parents will spend less money paying for their usually unaffordable lawyer bills. Parents will have more money to spend on their children or save for their college fund. (Is it any surprise that paid lobbyists for the legal profession remain steadfast in their opposition to a legal presumption of equal shared parenting?)
- **Ensures Both Parents Have Equal Opportunity to Pursue their Careers/Job.** The days of “Disney Dad” who has all the fun with the kids, while mom has the “hard job” of weekday parenting and juggling a job, will be over. “Balancing it all” should be easier for moms and better for kids.
- **Revoke the One-Size-Fits-All Every Other Weekend Default.** While the every other weekend parenting time schedule still persists after 50 years, it was never based in any research. A child who sees their father 4 days a month, does not have adequate time to bond with that parent.
- **Increase Cooperation and Win-Win Agreements Between Parents.** If neither parent is plagued with the uncertainty of who will be the winner and who will be the loser parent, it allows a safe environment for the parents to let their guard down and focus on the child(ren).
- **Expedite Stability for Children, Mother, and Father.** During and after divorce and separation, everything changes for everyone in the family. With the current outdated winner-take-all custody and parenting time model, court cases can go years and years before anything is settled. Equality will expedite stability and a new routine that is in the best interest of children.
- **Ensure the best interest of children.** If the social science is no longer ignored, and equal parenting is achieved, better outcomes for kids will prevail. Children get maximum love and support from both parents. Divorce and separation are a difficult time for everyone. Children need more love and support not less. Maximizing time with both parents will improve a child’s wellbeing for a lifetime.

- **Minimize Outdated Gender Stereotypes of Parenting Roles.** Our society has moved past old expectations based on gender stereotypes. Both genders have the capacity to be nurturing with children. Both mothers and fathers have careers that set examples for their kids. Parenting time laws and judicial biases against fathers have lagged society for far too long. Society has changed to the point where young men today in their 20's and 30's fully expect and want to be highly involved parents. Employers are supporting father involvement like never before.
- **Reduce the burden on the judicial system.** The courts often complain about budgetary constraints and a heavy workload. Equal shared parenting will further reduce court involvement in parenting time disputes, because parents will work things out more readily on their own.

Legislators, judges, divorce practitioners, and lobbyists for divorce lawyer groups who resist equal shared parenting can no longer claim to be serving children.

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